

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GUM TREE FABRICS, INC.,

Plaintiff,

-against-

AMERICAN DECORATIVE FABRICS, LLC,

Defendant.
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No. 11-CV-8325 (PGG)

ANSWER

Defendant American Decorative Fabrics, LLC (“ADF”), by and through its attorneys
Cowan, Liebowitz & Latman, P.C., as and for its Answer to the Complaint of Gum Tree Fabrics,
Inc. (“Gum Tree”), alleges as follows:

1. Admits the allegations contained in paragraph 1 of the Complaint.
2. Admits the allegations contained in paragraph 2 of the Complaint, except denies
that ADF’s principal place of business is at 315 Fifth Avenue, New York, New York.
3. Admits the allegations contained in paragraph 3 of the Complaint.
4. Admits the allegations contained in paragraph 4 of the Complaint.
5. Denies knowledge or information sufficient to form a belief as to the truth of the
allegations contained in paragraph 5 of the Complaint.
6. Denies knowledge or information sufficient to form a belief as to the truth of the
allegations contained in paragraph 6 of the Complaint.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Complaint, except admits that a certificate of registration bearing number VAu 978-151 is attached as Exhibit B to the Complaint.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Complaint.

9. Denies the allegations contained in paragraph 9 of the Complaint, except admits that ADF has manufactured and distributed fabric bearing a design referred to by ADF as “Catch” and attached as Exhibit C to the Complaint.

10. Denies the allegations contained in paragraph 10 of the Complaint.

11. Denies the allegations contained in paragraph 11 of the Complaint.

12. Denies the allegations contained in paragraph 12 of the Complaint.

13. Denies the allegations contained in paragraph 13 of the Complaint.

AFFIRMATIVE AND OTHER DEFENSES

FIRST DEFENSE

14. Upon information and belief, Gum Tree does not own a valid copyright in the Work that it alleges has been infringed.

SECOND DEFENSE

15. ADF independently created the Catch design that is the subject of Gum Tree’s infringement claim without reference to or copying of the Work that Gum Tree alleges has been infringed.

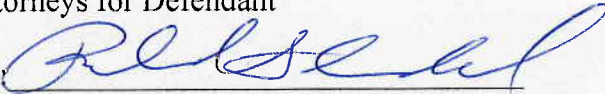
THIRD DEFENSE

16. Any infringement that may have occurred was innocent in nature.

Dated: New York, New York
February 7, 2012

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Defendant

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